

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday May2, 2006, the following members were present:

Greg Jergeson, Chairman
Brad Molnar, Vice Chairman
Doug Mood, Commissioner
Robert H. Raney, Commissioner
Thomas J. Schneider, Commissioner

APPEARANCE

Eric Eck
Utility Division

(163) In the matter of Black Hills Power March 21, 2006 filed Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on March 24, 2006. Requests for hearing were due by April 25, 2006. No requests were received. This application will increase revenues by \$54,990 over the base cost of fuel approved in Docket No. 83.4.25. A default order has been drafted-Docket No. D2006.3.37:

Commissioner Molnar moved to grant Black Hills Power's Quarterly Fuel Rate Rider application. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan
Utility Division

(164) In the matter of four (4) Qwest TRO/TRRO Amendments: D2001.7.87 – Qwest/NOS Communications, Inc.; D2005.3.40 – Qwest/PiperTel Communications, LLC; D2001.9.125 – Qwest/Contact Communications, Inc.; D2004.3.42 – Qwest/Bridgeband Communications. Qwest has filed for approval with this Commission four TRO/TRRO amendments in the dockets listed above. The FCC, with the help of the United States D.C. Court of Appeals has redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals issuing what is called the USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNES from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). These amendments list approximately 30 UNEs which Qwest and the parties to these agreements have agreed are no longer required to be offered under Section 251. These four TRO/TRRO amendments are identical as to terms, conditions, and rates and were voluntarily negotiated by the parties involved:

Commissioner Raney moved to approve the following four wireline interconnection agreement amendments: D2001.7.87 - Qwest/NOS Communications Inc., D2005.3.40 - Qwest/PiperTel Communications, LLC, D2001.9.125 - Qwest/Contact Communications, Inc., D2004.3.42 - Qwest/Bridgeband Communications. Commissioner Schneider seconded the motion, which passed unanimously.

(165) In the matter of six (6) miscellaneous amendments: D2002.9.108 - Qwest/New Edge DSL Amendment; D2003.1.5 - Qwest/Orbitcom - DSL Amendment; D2001.3.31 - Qwest/Essen - DSL Amendment; D2000.8.134 - Qwest/American Fiber Networks, Inc. - DSL Amendment; D2003.10.155 Mid-Rivers Coop./Verizon Wireless - Third Amendment to Appendix A; D2004.7.107- Qwest/IDT America - Bill and Keep for Local Traffic. Qwest has filed for approval with the Commission four DSL amendments to existing interconnection agreements (see dockets above). The FCC, on November 16, 2005, issued FCC Order 05-150 in the FCC's Docket No. 02-33 "Appropriate Framework for Broadband Access to the Internet over Wireline Facilities Proceeding." Because of that FCC order, these DSL amendments remove DSL as a service that can be ordered and purchased from Qwest out of the existing interconnection agreements. Mid-Rivers Telephone Cooperative has filed an amendment to their existing interconnection agreement with Verizon Wireless. This amendment to Appendix A revises the trunking requirements between Mid-Rivers' and Verizon's Points of Connection (POCs). Qwest has filed an amendment to their existing interconnection agreement with IDT America Corporation. This amendment removes the Reciprocal Compensation for Local Traffic terms, conditions, and rates from the agreement. The parties have agreed to revert to a bill and keep regime for the exchange of local traffic. Section 251(d)(2)(B)(i) of the 1996 Telecommunications Act recognizes bill and keep arrangements as an acceptable alternative to reciprocal compensation. These six amendments were voluntarily negotiated by the parties involved:

Commissioner Mood moved to approve the following six interconnection agreement amendments: D2002.9.108 - Qwest/New Edge Networks; D2003.1.5 - Qwest/OrbitCom Inc.; D2001.3.31 - Qwest/Essen Communications Corporation; D2000.8.134 - Qwest/American Fiber Networks, Inc.; D2003.10.155 Mid-Rivers. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(166) In the matter of a January 19, 2006 Victor I. Pizolla dba Valley Taxi, Hamilton, Montana filed application to transfer PSC No. 9207 to Victor I. Pizolla and Elaine Olsen, a partnership dba Valley Taxi, Hamilton, Montana. The transfer was noticed to the public on February 7, 2006 and a protest was received. Mr. Pizolla requests that the transfer application be withdrawn and the docket closed- Docket No. T-06.2.ST:

Commissioner Mood moved to accept the withdrawal request and close the docket in T-06.2.ST. Commissioner Schneider seconded the motion, which passed unanimously.

(167) In the matter of the approval of Commission Minutes:

Commissioner Raney moved to approve the Commission Minutes for the week of April 24, 2006. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE

Tim Sweeney, Legal Division

Gary Duncan, Utility Division

(168) In the matter of the Commission's discussion of Qwest Corporation, Navigator Telecommunications LLC, Teton Communications Inc., Page One, N R Recording & Telecommunications Inc. Interconnection Agreements- Dockets D2006.2.14; D2006.2.23; D2006.2.25; D2006.3.28:

Commissioner Molnar moved to approve the Qwest Corporation/Navigator Telecommunications LLC interconnection agreement in D2006.2.14, the Qwest Corporation/Teton Communications Inc. interconnection agreement in D2006.2.23, the Qwest Corporation/Page One interconnection agreement in D2006.2.25, and the Qwest Corporation/ N R Recording and Communication Inc. interconnection agreement in D2006.3.28. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson

Legal Division

(169) In the matter of the Commission's discussion of Triangle Communication System, Inc. application for ETC status- Docket No. D2004.1.6:

Commissioner Schneider moved to deny Triangle Communication system's motion for reconsideration. Commissioner Raney seconded the motion, which passed 4-1. Commissioner Jergeson voted no.

(170) In the matter of the Commission's discussion of Montana Dakota Utilities electric and gas USB review- Docket No. D2006.1.2:

Commissioner Raney moved that the Public Service Commission issue a NCA in Docket No. D2006.1.2 that fully describes what, when, and how the Commission is proceeding in this docket. Commissioner Schneider seconded the motion, which passed unanimously.

Commissioner Schneider moved that the Public Service Commission reconsider the previous action to issue a NCA in D2006.1.2. Commissioner Raney seconded the motion, which passed

unanimously.

Commissioner Schneider moved to direct staff to discuss the matter of filing a complaint with AARP given the procedural and burden of proof issues raised by Montana Dakota Utilities in its motion. Commissioner Raney seconded the motion, which passed unanimously.

(171) In the matter of the Commission's discussion of Cut Bank Gas motion for Protective Order and other matters as necessary - Docket No. D2006.2.15:

Commissioner Schneider moved to deny the motion of Cut Bank Gas for Protective Order without prejudice and staff will advise Cut Bank Gas of this discussion related to privileged information. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan
Legal Division

(172) In the matter of the Commission's discussion of Commission Initiated Consideration of Adoption of Federal Standards Established by the Energy Policy Act of 2005 (EPACT):

Commissioner Raney moved to issue the Notice of Inquiry and Opportunity to Comment in this matter. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator
Utility Division

(173) In the matter of the Commission's discussion of staff travel:

Commissioner Raney moved to approve Gary Duncan's travel to Albuquerque, New Mexico the week of May 15, 2006. Gary's travel expenses are paid by NMSU. Commissioner Schneider seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GREG JERGESON, Chairman

BRAD MOLNAR, Vice Chairman

DOUG MOOD, Commissioner

ROBERT H. RANEY, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)